

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**DAVID BAGLEY, RAMONA BAGLEY,
and ANGEL FIRE WATER CO.,**

Plaintiffs,

vs.

No. CIV 06-1101 RB/RHS

**PAUL COSTA, THE SPENCER GROUP
INTERNATIONAL, JACK FERM and the
LAW OFFICE OF JACK FERM,**

Defendants.

ORDER

THIS MATTER came before the Court on Petitioners' [sic] Motion to Reconsider Dismissal Without Prejudice (Doc. 31), filed on May 16, 2007. This matter was dismissed without prejudice on May 7, 2007, for Plaintiffs' failure to effect service and comply with Court orders.

The District Court has discretion to revise interlocutory orders prior to entry of final judgment. Fed. R. Civ. P. 54(b); *Anderson v. Deere & Co.*, 852 F.2d 1244, 1246 (10th Cir. 1988). Because no final judgment has been entered, I may exercise my discretion to revisit a prior ruling. A motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). Plaintiff advances no grounds that warrant reconsideration. Accordingly, the motion will be denied.

IT IS ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE